



Memorandum

To: Dana J. Reed, Town Manager
CC: Planning Board
Design Review Board
Economic Development Task Force
From: Anne Krieg, Planning Director
Date: May 15, 2009
Re: **Town Hill Mini-Plan**

Attached please find a draft of the 2009 Town Hill Mini-Plan. This project was rooted from the 2007 Comprehensive Plan. Kris Hultgren, Staff Planner, has outlined the contents in the attached cover memo to the document. These documents are on the town's website under the Planning Department.

The mini-plan refines the policies and strategies from the Comprehensive Plan for Town Hill. You may recall, during the Comprehensive Plan process, that there was not clear consensus on the Land Use Plan for the districting and some district standards concepts remained in disagreement. This mini-plan seeks to confirm the Land Use Plan and to establish the strategies for Land Use Ordinance (referred here as LUO or Ordinance) amendments. Upon acceptance by the Planning Board and the Town Council, it is requested the Mini-Plan be forwarded to Town Meeting for possible approval as an appended document to the 2007 Comprehensive Plan.

Land Use Ordinance

Land Use Ordinance changes are also attached to this document. These changes relate directly to what is contained in the Mini-Plan. Changes to the district map are also attached.

With the creation of this district, you will note a formatting change to how we establish districts in the Ordinance document itself. We are proposing to house all requirements for a district in one location in the ordinance.

Cross referencing is still necessary to obtain site plan standards and subdivision standards; however the dimensional controls, the uses allowed and other special requirements for that district will all be located in one area of the Ordinance. The purpose or a preamble will also be part of the district language. This purpose statement helps the property owner understand the town's intent with the ordinance and it assists regulatory authorities in their review of plans. I have used this format many times before coming to Bar Harbor and I do find this to be helpful to the property owner, the regulatory authorities and for staff. This format change is proposed to be in keeping with the Comprehensive Plan strategies to make the Land Use Ordinance more user-friendly. (Note: This format change means that other parts of the LUO get deleted. It also means that the LUO will be a little "chopped apart" as we phase in this new format with the implementation of the Land Use Plan over the next year.) Please also note the draft language attached is a working draft.

Changes to the LUO also include adding the Town Hill Village to the Design Review Board's jurisdiction. The Board has been working on this language for the last couple of months and it is attached as a working draft. Please note these drafts Ordinance changes were contemplated from the 2007 Comprehensive Planⁱ as well as the draft Town Hill Mini-Plan.

Schedule

As Councilors are aware, we are working at a staff-level to have documents prepared in time for the fall 2009 Town Meeting. This means that Councilors sign the warrant in July. The Council meets once in June on the 16th. These documents are also under review by the many residents that participated in this effort. It is important that this final stage in this process includes a mechanism to hear and decide upon responses to public comments.

The Planning Board will be reviewing these documents at their meeting May 20, 2009 and again on June 3, 2009. The Design Review Board will be reviewing these documents at their meeting May 28th, 2009 and again on June 11, 2009. Public comment is encouraged at these sessions, as well as in writing. Board members are also encouraged to attend each others meetings to assist in this final coordination.

I am requesting Council consideration of a special workshop on May 26th, 2009 at a time set by Councilors to review the document with the Planning Board and the Design Review Board. We used a similar workshop process with the Comprehensive Plan which was effective in discussing any unresolved issues. It also allows the 3 groups to discuss public comment and response that is expected with this document.

If there are remaining unresolved issues from the above-scheduled or requested meetings, the Council may want to consider holding another workshop or public hearing in June.

Finally, I ask Councilors to join me in thanking Kris Hultgren for his two years of service to the Town of Bar Harbor as Staff Planner. Kris is leaving to work for Brunswick, Maine. Kris has done a great job in managing the Town Hill Mini-Plan and I am grateful for his hard work.

Kris and I will be at the Council meeting May 20, 2009 to review these documents and answer any questions.

amk

ⁱ This is a reference to the language from the Comprehensive Plan on Design Review Board:

Policy 2D – To revise the standards and broaden the scope of design review beyond the downtown business district to address historic and archaeological, scenic byway, and other concerns in the rest of the community.

One of the greatest outcries in neighborhood meetings was fear about what was perceived to be the loss of Bar Harbor's traditional, coastal New England character. The Design Review Board was set up in an attempt to keep the appearance of downtown development consistent with the surrounding architecture while respecting the rights of property owners. It is clear the Town has benefited from this necessary review. Because of the possible negative consequence of further development, the Town should consider, after the standards have been revised, extending the Board's jurisdiction.

All of the present review criteria should be reviewed by the Planning Director, Town attorney, Planning Board, and Design Review Boards so that they are measurable and consistent. New guidelines should address preservation of historic structures and archaeological sites, architectural design, access and parking, cumulative impact of lighting, temporary signage, and outdoor display of merchandise. Because there is currently no homogenous architecture new standards should allow for architectural diversification and evolution. Design review processes have improved in recent years, but additional adjustments and adequate staffing are still needed.

Strategy 2D1 – Revise design and sign standards in the LUO to reflect the Downtown Master Plan, design guidelines, and design drawings as they become available, and to broaden the scope of the Design Review Board to extend beyond the downtown business district to address historic and archaeological, scenic byway, and other concerns in other areas of Town (see 1H2, 1H3, and 1J2 above).

Implement in the short-term.

Strategy 2D2 – Study the villages of Hulls Cove, Salisbury Cove, and Town Hill to identify which features, structures, and visual aspects should be preserved, prepare and adopt standards in the LUO, and expand design review to those areas.

Implement in the mid-term.